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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,370	03/12/2004	Masaki Hoshina	81754.0113	6379
26021	7590	03/22/2006	EXAMINER	
HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611			WALSH, DANIEL I	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EL

Office Action Summary	Application No. 10/799,370	Applicant(s) HOSHINA, MASAKI	
	Examiner Daniel I. Walsh	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 10 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of the IDS received on 12 March 2004 and election on 1-17-06.

Claim Objections

2. Claims 1, 2, 6, 8, 11, 13, 15, 17, 18, and 19 are objected to because of the following informalities:

Replace all instances of "second identification information" with – data communication system information --.

Replace all instances of "first identification information" with – tag identification information --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1-9, 11-13, and 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner notes that the claims recite that the identification information acquisition means acquires the first/contactless tag information from the tag existing within an area where a communication is made, that the information inherent to the data communication system and the

first/contactless tag information acquired above is sent to other data communication systems, that the information inherent to the other systems and the tag identification information acquired from the other systems is used to compute the position of the tag. This renders the claim vague/indefinite since it is unclear why the (selected) data communication system (not the other system) acquires the information from the tag when it's read, if such information is not used in the computing of the position. Additionally, it is unclear what happens if the data communication system detects the tag within its range, but the other systems do not detect the tag in their range; how will the position of the tag be computed if it is only computed based on data from the other systems, which in the above, would have resulted in the other systems not detecting the tag? The Examiner notes that the specification appears to teach that after a data communication system is selected, the selected system acquires the second identification information inherent to the other data communication systems and the first information also obtained from the other data communication systems, and then the selected data communication system computes position of the tag based on the information acquired from the other (emphasis added) communication systems (specification pages 7-8). Therefore, it does not appear that the selected data communication system acquires any information from the tag, but is merely selected to compute the position based on data from the other systems. However, the claims appear to recite that the data communication systems acquires the first identification information from the tag, which renders the claims vague/indefinite for the reasons discussed above. The Examiner notes that it appears that the information acquisition means, instead of acquiring the tag information from communicating with the tag, would acquire the tag information from a database or storage element, but not from the tag itself. As currently claimed, it is

vague/indefinite as to why the tag is read if such information is not used in the process. Finally, it remains vague/indefinite as to what would happen if the tag is within the area of the selected system, and not the other systems; since position is computed from their acquired data, since the tag is not acquired by their system, it is unclear how the tag would be detected and the position computed.

Appropriate clarification/correction is required.

Additional Remarks

4. The Examiner is unclear as to what would occur in an instance where the selected data communication system is the data communication system where the tag is located, because it is claimed that the position is calculated based on the information obtained from the other data communication systems. If the tag is in the selected system range, and not the “other systems”, how would a position therefore be determined if the tag is not detected?

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Reis et al. (US 5,686,902) teaches overlapping zones where separate interrogators detect tags and communicate the information to a computer to determine the location, Richley et al. (US 2004/0108954) teaches daisy chained monitoring stations for tags, Kawai et al. (US 2005/0280538) teaches direction estimation of tags, Maloney (US 2004/0095241) teaches tag detection, Schaper (US 2004/0119605) teaches querying of a tagged item to detect location, Pidwerbetsky et al. (US 6,046,683) teaches backscatter location of tags, Wagner (US

2004/0174260) teaches active tags and tracking of such tags by establishing a chain between tags for facilitating communication back to a computer, Bledsoe (US 5,742,237), of particular interest, teaches a monitor network for transmitting and receiving messages from tags and neighboring monitors, FIG. 2A, and also teaches storing a unique identity of the monitor and a unique identifier of the tag, Andrews et al. (US 6,900,762) teaches RFID location, Goff et al. (US 2003/0206107) teaches a shelf of RFID tagged books/items, Brignone et al. (US 2004/0144842) teaches RFID storage management, Barink (US 2003/0141962) teaches RFID location of items of shelves where it is interpreted that each tag has an identifier and each antenna has an identifier, Markhovsky et al. (US 2006/0012476) teaches a method and system for finding, Stevens (US 2004/0000997) teaches detecting movement of an item by comparing the location of the reader and the preferred location of the item, Sawyer (US 2004/0008114) teaches tracking objects and people, Robert (US 6,169,497), of particular interest, teaches a GPS system where systems communicate between each other for determining location (FIG. 1), Wijk (US 2004/0104817) teaches tracking transponders and that the response signals of the trackers include the code of the transmitter station, Bowers et al. (US 2001/0000019) teaches inventory means, Bridgelall (US 2006/0033609) teaches locating and tracking of tagged items and specifying unique tags/identifiers to query, Woolley (US 5,959,568) teaches tags communicating with each other and a host for measuring distance, Engellenner (US 2005/0206523) which teaches different areas/interrogators which poll areas for an item, communicate the info back to the host to determine the location of the item/tag, Moore (US 2003/0001725) teaches passive RFID tags with unique identifiers on shelves, and Armstrong et al. (US 2002/0063622) teaches plural interrogators with overlapping areas to communicate and track transponders..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel I Walsh

Examiner

Art Unit 2876

3-14-06

